



Adai Caddo Indian Nation

4500 Highway 485
Robeline, LA 71469
(318) 472-8680 FAX (318) 472-8684

August 9, 2013

Elizabeth Appel, Director
Office of Regulatory Affairs & Collaborative Action-Indian Affairs
1849 C. Street, N.W., MS 4141-MIB
Washington, DC 20240

Re: Proposed Revision of the Federal Acknowledgment Regulations

Dear Ms. Appel:

The Adai Caddo Indian Nation fully supports all of the revisions to the Federal Acknowledgment regulations proposed in the Preliminary Discussion Draft issued by the Office of the Assistant Secretary-Indian Affairs on June 21, 2013. As a petitioner in the Federal Acknowledgment process, the Nation greatly appreciates that President Barack Obama and Assistant Secretary Kevin Washburn have launched this initiative to make the Acknowledgment process fairer and more efficient and timely. We are also grateful that this is being done early in the second term of the Obama Administration. This means that through the continuity of their stewardship there should be ample time to actually implement the proposed changes.

There is no doubt that that the suggested revisions would reduce both the excessive burden of proof for tribal entities such as our Nation and the heavy administrative burden of the Office of Federal Acknowledgment (OFA). At the same time, we feel that the contemplated changes do not in any way compromise the integrity of previous administrative and judicial standards and precedents for determining tribal existence.

For decades, critics of the current Acknowledgment process have proposed eliminating criterion 83.7(a) external identification, and moving the starting date for criteria 83.7(b), community, and 83.7(c), political influence, to 1934. The Nation is delighted that the Department of the Interior is finally giving serious consideration to these critical revisions.

The Adai Indian Nation feels that it is well informed about the proposed revisions as a result of both our careful review of the Discussion Draft and the attendance of our representatives at the public meeting held in Marksville, Louisiana on August 6. We thank you for your efforts in disseminating this information. In turn, we offer only two suggestions that we think would help make the proposed revisions be even more helpful to petitioners. Section 83.5, Duties of the Department, addresses the research guidelines to be provided by the OFA in paragraph (b). We find that the OFA's present Official Guidelines are both over-simplistic and pathetically unrealistic in describing the Acknowledgment criteria and procedures. The Nation therefore encourages the OFA to

develop guidelines that are both more real-world based and intellectually honest about all of the possible difficulties and contingencies involved in the process. Under pressure from what was then known as the General Accounting Office (GAO) the OFA has also provided petitioners with a Draft Precedents Manual. This document has been very helpful to petitioners in providing a better understanding of the kinds of evidence they need to demonstrate that they meet the mandatory criteria. However, the draft manual is now over a decade out-of-date and does not cover critical precedents that have been established since 2002, including interpretations of the evidence for “unambiguous previous Federal acknowledgment.” The Nation suggests, therefore, that section 83.5(b) specifically provide that both the Official Guidelines and the Precedent Manual will be updated and improved within 180 days of the publication of the revised regulations.

The Adai Caddo Indian Nation is thankful for the opportunity to comment on the Discussion Draft and as a direct shareholder in the Acknowledgment process we would welcome any further possibilities for participating in the promulgation process on these proposed revisions of the regulations.

Sincerely,



Michael L. Lawson
Historical Consultant to the Adai Caddo Indian Nation



Chief Rufus Davis
Chief and Tribal Historian